

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 748 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GIRISHCHANDRA D DAVE

Versus

PARESHKUMAR P MODI OR HIS SUCESSOR IN OFFICE

Appearance:

MR KALPESH N SHASTRI for Petitioner
MR HJ NANAVATI for Respondent No. 1
MR BHARAT T RAO for Respondent No. 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 05/08/98

ORAL JUDGEMENT

RULE.

The petitioner was working as Overseer in the Keshod Nagar Panchayat. By the impugned order dated 28.1.1998, the petitioner has been suspended. It is contended by the learned Advocate for the petitioner that the

President, Nagarpalika has no power to suspend him. He submits that under Section 50 of the Gujarat Municipalities (Amendment) Act, 1994, the appointing authority is the Municipality. He submits that there is no delegation of power to any of the authorities. Mr H J Nanavati, learned Advocate appearing for the respondent-Nagarpalika has not been able to show anything empowering the authorities exercising power on behalf of the Municipalities in the matter of officers and servants of the Municipality. This Special Civil Application deserves to be allowed on this short ground.

In view of the aforesaid, this Special Civil Application is allowed. The impugned order dated 28.1.1993 suspending the petitioner is quashed and set aside. It will, however, be open for the Municipality to take appropriate action in accordance with law. Rule made absolute to the aforesaid extent.

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msp.